

1 Company (“Defendant”) or whose medical plan was administered by Defendant, it is an out-of-
 2 network provider that does not have a reimbursement rate contract with Defendant, that it
 3 submitted claims to Defendant for payment, and that Defendant either did not pay or underpaid
 4 approximately two-hundred and fourteen (214) of those claims.

5 Last month, Plaintiff identified an additional one-hundred and seventy-two (172) claims
 6 that are now at issue in this case. These new claims almost double the number of claims that
 7 were previously at issue in the case and bring the total number of claims to approximately
 8 three-hundred and eighty-six (386) claims.

9 The increasing number of claims at issue in this case has hindered the parties’ ability to
 10 prepare for mediation under the current schedule because each claim requires an individual
 11 analysis. For each claim, the parties must determine the amount the patient’s benefit plan
 12 allows for out-of-network MRIs and related services, the amount of the patient’s co-insurance
 13 and co-pay, the amount of the patient’s deductible and whether or not it has been satisfied, the
 14 amount that has already been paid, and to whom the payment was sent (*i.e.*, the patient or the
 15 Plaintiff). This is a labor-intensive and time-consuming process. The parties continue to work
 16 cooperatively and diligently to perform this process.

17 The parties have not previously requested the continuance of any of the dates set by the
 18 Court in this case. This is the first request.

19 The parties also participated in a telephone conference with the Court-appointed
 20 mediator, George Wailes, and he was also of the opinion that more investigation into the claims
 21 was needed for the mediation to be productive.

22 For these reasons, the parties request that the Court continue all of the pre-trial and trial
 23 dates by approximately sixty (60) days so that the parties can continue their analysis and
 24 preparation for mediation. Specifically, the parties request the following:

- 25 1. Completion of Court-sponsored mediation to be continued from April 19, 2013
 26 to June 14, 2013;
- 27 2. Close of fact discovery continued from June 14, 2013 to July 26, 2013;
- 28 3. Opening expert reports continued from June 28, 2013 to August 8, 2013;

4. Rebuttal expert reports continued from July 12, 2013 to August 23, 2013;
5. Close of expert discovery from July 26, 2013 to September 9, 2013;
6. Last day to file dispositive motions continued from August 8, 2013 to October 10, 2013;
7. Last day to hear dispositive motions continued from September 19, 2013 to November 14, 2013;
8. Pre-trial conference continued from November 7, 2013 to January 9, 2014;
9. Trial continued from December 2, 2013 to February 3, 2014.

The parties respectfully submitted this request and assert that good cause exists for granting the requested relief.

Dated: April 8, 2013

LAW OFFICE OF JAMES M. BARRETT

By: /S/ James M. Barret
James M. Barret
Attorney for Plaintiff
SUNNYVALE IMAGING CENTER

Dated: April 8, 2013

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: /S/ Donald P. Sullivan
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Attorney for Defendant
CIGNA LIFE AND HEALTH
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~~PROPOSED~~ ORDER

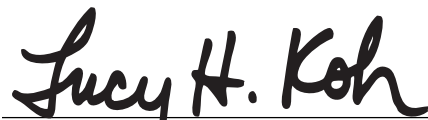
For good cause shown, the Court hereby grants the parties' joint request and modifies the scheduling order in this case as follows:

1. Completion of Court-sponsored mediation to be continued from April 19, 2013 to June 14, 2013;
2. Close of fact discovery continued from June 14, 2013 to July 26, 2013;
3. Opening expert reports continued from June 28, 2013 to August 16, 2013;

4. Rebuttal expert reports continued from July 12, 2013 to September 6, 2013;
5. Close of expert discovery from July 26, 2013 to September 27, 2013;
6. Last day to file dispositive motions continued from August 8, 2013 to October 17, 2013;
7. Last day to hear dispositive motions continued from September 19, 2013 to December 12, 2013
8. Pre-trial conference continued from November 7, 2013 to January 30, 2014;
9. Trial continued from December 2, 2013 to February 18, 2014.

IT IS SO ORDERED:

Date: April 18, 2013



The Hon. Lucy H. Koh
United States District Judge